

Notice of Allowability**Application No.**

10/521,530

Applicant(s)

HENDRICH ET AL.

Examiner

Melody M. Burch

Art Unit

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed 9/15/08.
2. ☒ The allowed claim(s) is/are 39-44 and 47-53.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date herewith.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher Rothe on 12/4/08.

The application has been amended as follows:

- In the Brief Description of the Drawings section of the specification on pg. 5 the phrase "Figure 1 shows" has been changed to --Figures 1a-1c show--, the phrase "Figure 2 shows" has been changed to --Figures 2a-2b show--, the phrase "Figure 3 shows" has been changed to --Figures 3a-3b show--, and the phrase "Figure 4 shows" has been changed to --Figures 4a-4b show-- to properly refer to the figure numbers used in the drawings;
- In line 4 of claim 39 the phrase "surface and a radial extension" has been changed to --surface located on a first side of the lateral guiding portion and a radial extension located on a second side of the lateral guiding portion, the second side being radially opposite the first side--;
- In line 6 of claim 39 the phrase "axial direction" has been changed to --axial and the radial direction such that the sloped edge has a first end and a second end radially offset from the first end--;

- In lines 2-5 of claim 47 and in line 2 of claim 48 and 49 the term "guide" has been changed to --guiding-- to maintain consistency;
- In line 3 of claim 50 the phrase "including a radial" has been changed to --including a stop surface and a radial--;
- In line 4 of claim 50 the phrase "three sides," has been changed to --three sides, the stop surface located on a first side of the lateral guiding portion and the radial extension located on a second side of the lateral guiding portion, the second side being radially opposite the first side,--;
- In line 5 of claim 50 the phrase "axial direction," has been changed to --axial and the radial direction such that the sloped edge has a first end and a second end radially offset from the first end,--;
- In line 2 of claim 53 the phrase "a stop" has been changed to --the stop-- since a stop surface was previously recited.

2. The following is an examiner's statement of reasons for allowance: The claims, as amended, overcome IDS reference DE-2912021 (using US Patent 4196794 to Matsumoto as an English equivalent). Matsumoto shows the limitation of a sloped edge 14 that is sloped in the axial and the tangential direction as shown in figure 4. This arrangement is distinguished from the sloped edge of the instant invention which is sloped in the axial and also in the radial direction such that a first end and a second end of the sloped edge are radially offset from each other. The instant invention is further distinguished from Matsumoto with regards to the arrangement of the stop surface, the

radial extension, and the guiding channel. The instant invention has the stop surface located radially opposite from the radial extension with the guiding channel having a depth for receiving the radial extension. In figure 5 of Matsumoto the stop face is shown in the area of the end of the lead line of 14. The guiding channel of the element 10 is the area shown between elements 14 and 19 and is provided with a depth for receiving a radial extension or a top part of the lateral guiding portion 33. As evident from figure 5 of Matsumoto, however, the stop face and the radial extension are not positioned radially opposite from each other. Accordingly, claims 39 and 50 are allowed. The remaining claims are allowed due to their dependency from one of claims 39 and 50.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb
December 4, 2008

/Melody M. Burch/
Primary Examiner, Art Unit 3657